

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

NICHOLAS D. CAPRA,

**Plaintiff,**

V.

## GREENPOINT MORTGAGE FUNDING, *et al.*,

## Defendants.

Case No. 2:11-CV-1312-KJD-PAL

## ORDER

Presently before the Court is Plaintiff's Motion to Withdraw Complaint (#9). The Court construes the *pro se* pleading liberally as a notice of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). Since no defendant has filed an answer or motion for summary judgment, Plaintiff's Motion is **GRANTED**. Defendant JP Morgan Chase Bank, NA's Motion to Dismiss (#6) is **DENIED as moot**. However, Defendant's Motion to Expunge Lis Pendens (#7) is **GRANTED**. Plaintiff's complaint is dismissed without prejudice and the Clerk of the Court shall close this case.

## **IT IS SO ORDERED.**

DATED this 2<sup>nd</sup> day of November 2011.

Kerry

Kent J. Dawson  
United States District Judge